



**BellSouth Telecommunications, Inc**

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**Guy M. Hicks**  
General Counsel

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June 18, 2004

VIA HAND DELIVERY

Hon. Deborah Taylor Tate  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Re. *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. and Cinergy Communications Company Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*  
Docket No. 04-00177

Dear Chairman Tate:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Cinergy Communications Company and BellSouth Telecommunications, Inc. are hereby submitting to the Tennessee Regulatory Authority the original and fourteen copies of the attached Petition for Approval of the Amendment to the Interconnection Agreement dated September 6, 2002. The Amendment adds rates and terms and conditions to Section 4.3 of Attachment 2, Merged Tandem Switching.

Thank you for your attention to this matter.

Sincerely yours,

  
Guy M. Hicks

cc. Robert A. Bye, Corporate Counsel, Cinergy Communications Company  
John Cinelli, President, Cinergy Communications Company

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BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc and Cinergy Communications Company Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. \_\_\_\_\_

**PETITION FOR APPROVAL OF THE**  
**AMENDMENT TO THE INTERCONNECTION AGREEMENT**  
**NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.**  
**AND CINERGY COMMUNICATIONS COMPANY**  
**PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW, Cinergy Communications Company ("Cinergy") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Interconnection Agreement dated September 6, 2002 (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Cinergy and BellSouth state the following:

1. Cinergy and BellSouth have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Cinergy. The Interconnection Agreement was approved by the Tennessee Regulatory Authority ("TRA") on March 3, 2003.

2. The parties have recently negotiated an Amendment to the Agreement which adds rates and terms and conditions to Section 4.3 of Attachment 2 for Merged Tandem Switching. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Cinergy and BellSouth are submitting their Amendment to the TRA for its consideration and approval. The Amendment provides that either or both of the parties is authorized to submit this Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Cinergy within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Cinergy and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(i) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Cinergy and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 18<sup>th</sup> day of June, 2004.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

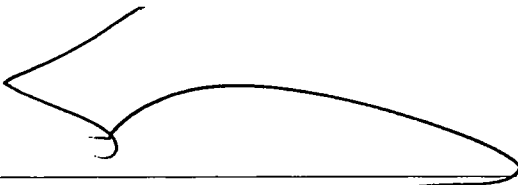
Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301  
Attorney for BellSouth

CERTIFICATE OF SERVICE

I, Guy M Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 18 day of June, 2004:

Robert A. Bye  
Corporate Counsel  
Cinergy Communications Company  
8829 Bond Street  
Overland Park, KS 66214

John Cinelli  
President  
Cinergy Communications Company  
1419 W. Lloyd Expy., Suite 101  
Evansville, IN 47710

A handwritten signature in black ink, appearing to read "Guy M Hicks", written over a horizontal line.

Guy M Hicks

**Amendment to the Agreement  
Between  
Cinergy Communications Company  
and  
BellSouth Telecommunications, Inc.  
Dated September 6, 2002**

Pursuant to this Amendment, (the "Amendment"), Cinergy Communications Company (Cinergy), and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated September 6, 2002, ("Agreement") to be effective thirty (30) calendar days after the date of the last signature executing the Amendment

WHEREAS, BellSouth and Cinergy entered into the Agreement on September 6, 2002, and,

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows

- 1 The parties agree to add the following provision to Attachment 2, Section 4.3 and the associated rates as set forth in Exhibit 1 of this Amendment, attached hereto and incorporated herein by this reference

**4.3.1.1** Where Cinergy utilizes portions of the BellSouth network in originating or terminating traffic, the Tandem Switching rates are applied in call scenarios where the Tandem Switching Network Element has been utilized. Because switch recordings cannot accurately indicate on a per call basis when the Tandem Switching Network Element has been utilized for an interoffice call originating from a UNE port and terminating to a BellSouth, Independent Company or Facility-Based CLEC office, BellSouth has developed, based upon call studies, a melded rate that takes into account the average percentage of calls that utilize Tandem Switching in these scenarios. BellSouth shall apply the melded Tandem Switching rate for every call in these scenarios. BellSouth shall utilize the melded Tandem Switching Rate until BellSouth has the capability to measure actual Tandem Switch usage in each call scenario specifically mentioned above, at which point the rate for the actual Tandem Switch usage shall apply. The UNE Call Flows set forth on BellSouth's website, as amended from time to time and incorporated herein by this reference, illustrate when the full or melded Tandem Switching rates apply for specific scenarios.

- 2 All of the other provisions of the Agreement, dated September 6, 2002, shall remain in full force and effect
- 3 Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year written below

**BellSouth Telecommunications, Inc.**

By: [Signature]

Name: Kristen E. Konec

Title: Director

Date: 4/30/07

**Cinergy Communications Company**

By: [Signature] c.o. pres

Name: John P. Cinelli

Title: President

Date: April 28, 2007

Approved as to form  
Legal

By [Signature] Date 4/25/07

[illegible]